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DOC #: _____
DATE FILED: <u>5/30/2023</u>

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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DANIEL AND JULIETTE MORTON

Plaintiff,

v.

SALO AIZENBERG and MAYTAL ASSET
MANAGEMENT, LLC D/B/A DOWNTOWN
INVESTMENT ADVISORY,

Defendants.
----- X

Case No. 1:21-cv-07782-NSR

Judge Nelson Stephen Roman

**NOTICE OF DEFENDANTS' MOTION
TO DISMISS UNDER RULE 12(b)(6)**

PLEASE TAKE NOTICE, that upon the accompanying Declaration of Salo Aizenberg, sworn to on May 19, 2023, Declaration of Salo Aizenberg, sworn to on January 26, 2022 and Memorandum of Law in Support of Defendants' Motion to Dismiss Plaintiffs' Amended Complaint Under Rule 12(b)(6), Defendants, Salo Aizenberg and Maytal Asset Management, LLC d/b/a Downtown Investment Advisory (collectively referred to herein as "Defendants"), by and through undersigned counsel, will move this Court, before Honorable Nelson Stephen Roman, on June 30, 2023 at a time to be designated by the Court, at the United States District Court, Southern District of New York, 500 Pearl St., New York, New York, for an Order dismissing the Amended Complaint in the above-referenced action with prejudice, for failure to state a claim upon which relief can be granted under Federal Rule of Civil Procedure 12(b)(6).

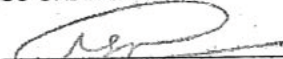
Dated: May 19, 2023
White Plains, NY

Wilson Elser Moskowitz Edelman & Dicker LLP

By: /s/ Cynthia S. Butera
Cynthia S. Butera
1133 Westchester Avenue
White Plains, New York 10604
(914) 323-7000
Attorneys for Defendants

SO ORDERED:

Dated: May 30, 2023
White Plains, NY


HON. NELSON S. ROMAN
UNITED STATES DISTRICT JUDGE

MEMO ENDORSED

Defs' motion is DENIED without prejudice for failure to follow the Court's Individual Practices in Civil Cases. *See* Rule 3(A)(ii). The moving party shall submit a letter, not to exceed three pages, setting forth the basis for the anticipated motion. Defs. are directed to answer or otherwise seek leave to move in response to the Am. Compl. no later than June 14, 2023 The Clerk of Court is respectfully directed to terminate the motion at ECF No. 28.